IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 8:14CR95)
VS.) ORDER
LOUIS A. VENDITTE, RUBY A. VENDITTE and JOHN W. WAGSTAFFE,)))
Defendant.)

This matter is before the court on the motion to continue by defendant John W. Wagstaffe (Wagstaffe) (Filing No. 43). Wagstaffe seeks a continuance of the trial of this matter scheduled for January 5, 2015. Wagstaffe's counsel represents Wagstaffe will file an affidavit whereby Wagstaffe consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Wagstaffe's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

- 1. Wagstaffe's motion to continue trial (Filing No. 43) is granted.
- 2. Trial of this matter **as to all defendants** is re-scheduled for **February 23**, **2015**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **December 5**, **2014**, **and February 23**, **2015**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 5th day of December, 2014.

BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge